IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 734 OF 2007

Kevala Ramkuber Tiwari ..Petitioner

Vs.

District Officer,
Old Customs House, Mumbai
and ors. ..Respondents

Ms. Ushajee Peri i/by Mihir Desai for petitioner.
Mr. K.R. Belosey, AGP for State.

CORAM: B.H. MARLAPALLE &
S.R. SAHTE,JJ.

Date : June 11, 2007.

P.C.:

1. Heard the learned counsel for the petitioner who is the mother of Shri Parmeshwar Ramkuber Tiwari and the said Parmeshwar died in the Bombay Blast on 25/8/2003 at Zaveri Bazar, Mumbai. As per the policy of the State Government dependents of the victims who died in the said Bomb Blast are entitled to compensation of Rs.2 lacs. The petitioner had approached this court earlier in Writ Petition No. 400 of 2004 and the same was disposed off on

22/4/2004. It was directed that out of the remaining amount of Rs.1,70,000/- an amount of Rs.10,000/- shall be paid to the petitioner, the mother of the deceased and the remaining amount of Rs.1,60,000/- shall be invested in the postal deposits in joint names. It was also made clear that the monthly interest accrued on the deposit shall be payable in equal proportion to the three dependents i.e. the mother, wife and minor daughter of the deceased. In the event of the mother's death, her share will be reinvested in the name of the wife of the deceased.

2. This fresh petition has been filed raising a limited grievance. It appears that the petitioner approached the Post Master, MDG Tetri Bazar, District Siddharth Nagar, U.P. and she has been informed that the deposit having been invested in the joint names of the District Collector and the daughter-in-law and the MIS account does not satisfy the condition of 1987. Consequently the Superintendent has ordered to close the aforesaid account without interest.

3. The petitioner states that the entire amount

of Rs.1,70,000/- was invested in the postal fixed deposit (MIS 6283) for a period of six years in or about December, 2003 in MDG Tetri Bazar, Siddarth Nagar, U.P. in the joint names i.e. the District Collector and the daughter in law. Consequently her request for either to get the reimbursement of Rs.10,000/- or the interest to the extent of 1//3rd share as per the order passed by this court has not been entertained. The learned AGP appearing for the State of Maharashtra states that the order to be passed by this court protecting the interest of both the petitioner as well as her daughter-in-law and the minor daughter will be followed by the State Government.

4. We, therefore, disposed off this petition by the following directions:-

(a) The Superintendent, M.D.G. Tetri Bazar Post Office, Siddharth Nagar, U.P. is hereby directed that the fixed deposit MIS 6283 opened in December, 2003 in the name of the

District Collector, Siddharth Nagar and Meena Parmeshwar Tiwari shall be changed in the joint names of the petitioner i.e. Smt. Kevala w/o Ramkuber Tiwari and Meena Parmeshwar Tiwari by deleting the name of the District Collector.

(b) The account shall be renewed in the joint names and it shall accrue interest right from the 1st day i.e. December, 2003. The interest amount so accrued shall be allowed to be withdrawn by the present petitioner to the extent of her 1/3rd share and the remaining 2/3rd share may be allowed to be withdrawn by her daughter-in-law i.e. Meena Parmeshwar Tiwari.

5. A certified copy of this order shall be submitted by the petitioner to the concerned post office for being implemented forthwith.

6. Certified copy be issued on priority basis.

(S.R. Sathe,J.) **(B.H. Marlapalle,J.)**